

REMARKS/ARGUMENTS

Claims 18-38 are pending in this application. Applicant notes that the Examiner inadvertently only listed Claims 18-36 as pending in box no. 4 on Form PTOL-326. Applicant respectfully requests that the Examiner consider and indicate the status of each of Claims 18-36 in the next Office Action. By this Amendment, Applicant AMENDS Claims 24 and 29.

The Examiner is reminded that in an Information Disclosure Statement filed on July 27, 2007 that Applicant cited co-pending U.S. Patent Application No. 10/488,478 to bring to the attention of the Examiner and have the Examiner consider the subject matter and claims of the co-pending U.S. Patent Application, the prior art references, Office Actions, and Applicant's responses to the Office Actions made of record in the co-pending U.S. Patent Application. Applicant respectfully requests that the Examiner update his review and consideration of the claims of the co-pending U.S. Patent Application, the prior art references, Office Actions, and Applicant's responses to the Office Actions made of record in the co-pending U.S. Patent Application.

Applicant greatly appreciates the allowance of Claims 30-38 by the Examiner. In Section No. 12 on page 5 of the outstanding Office Action, the Examiner inadvertently indicated that only Claims 30-36 were allowable. Applicant respectfully submits that Claims 37 and 38 are allowable because Claims 37 and 38 depend upon allowed Claim 35.

Applicant greatly appreciates the Examiner's indication that Claims 24-27 and 29 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims. Applicant has amended Claims 24 and 29 to be in independent form. Accordingly, Applicant respectfully submits that Claims 24-26 and 29 are allowable. Applicant respectfully submits that Claim 27, which depends on Claim 18, is allowable for the reasons discussed below.

On page 3 of the outstanding Office Action, the Examiner rejected Claims 18, 21, and 28 under 35 U.S.C. § 102(e) as being anticipated by Swager et al. (U.S. 6,783,814). On page 3 of the outstanding Office Action, the Examiner rejected Claims 18-20 under 35 U.S.C. § 103(a) as being unpatentable over Swager et al. On page 4 of

the outstanding Office Action, the Examiner rejected Claims 18, 22, and 23 under 35 U.S.C. § 103(a) as being unpatentable over Swager et al. in view of Jang et al. (*Dendritic Physical Gel: Hierarchical Self-Organization of a Peptide-Core Dendrimer to Form a Micrometer-Scale Fibrous Assembly*).

Applicant respectfully traverses the rejections of Claims 18-23 and 28.

Applicant's Claim 18 recites:

An organic EL light emitting device comprising an organic EL light emitting layer and an electrode for applying a voltage to the organic EL light emitting layer, wherein the organic EL light emitting layer includes a hyperbranched polymer layer having **hyperbranched macromolecules uniaxially aligned with a degree of alignment of 0.95 or more and emits polarized light**. (emphasis added)

In Section No. 7 on page 3 and in Section No. 9 on pages 3 and 4 of the outstanding Office Action, the Examiner alleged that Swager et al. teaches each of the features recited in Claim 18. The Examiner alleged that Example 4 in columns 18 and 19 of Swager et al. teaches hyperbranched monomers. However, in the Examiner's discussion of these sections of Swager et al. related to the 35 U.S.C. §§ 102(e) and 103(a) rejections, the Examiner failed to address the feature of "hyperbranched macromolecules uniaxially aligned with a degree of alignment of 0.95 or more" as recited in Claim 18. Applicant respectfully submits that Swager et al. fails to teach or suggest the feature of "hyperbranched macromolecules uniaxially aligned with a degree of alignment of 0.95 or more" as recited in Claim 18.

Further, Applicant respectfully submits that the Examiner has failed to establish that Swager et al. teaches or discloses that the hyperbranched monomer of Example 4 is a "light emitting layer" as recited in Claim 18. In the second full paragraph of column 15 (which the Examiner relied upon), Swager et al. teaches that conjugated polymers, not that the hyperbranched monomer of Example 4, can be used in light emitting diodes. That is, Swager et al. fails to teach or suggest that the hyperbranched monomer of Example 4 is light emitting. The Examiner has failed to provide any evidence or explanation that establishes that the hyperbranched monomer of Example 4 is light emitting.

Thus, Applicant respectfully submits that Swager et al. fails to teach or suggest the feature of “hyperbranched macromolecules ... emits polarized light” as recited in Claim 18.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 18 under 35 U.S.C. § 102(e) as being anticipated by Swager et al. and the rejection of Claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Swager et al.

In Section No. 10 on pages 4 and 5 of the outstanding Office Action, the Examiner addressed the feature of “hyperbranched macromolecules uniaxially aligned with a degree of alignment of 0.95 or more” as recited in Claim 18. The Examiner alleged that Jang et al. teaches this feature. The Examiner alleged, “The hydrogen bonding and the electrostatic interactions [of Jang et al.] allow for the polymer to have an alignment of 0.95 or more.”

Applicant respectfully disagrees.

The Examiner has failed to provide any evidence or explanation that establishes how or why the hydrogen bonding and the electrostatic interactions of Jang et al. allow for the polymer to have an alignment of 0.95 or more. Further, Applicant respectfully submits that, while the hydrogen bonding and electrostatic interactions can be used to align the hyperbranched macromolecules, using hydrogen bonding and electrostatic interactions does not guarantee or necessarily result in the hyperbranched macromolecules being uniaxially aligned with a degree of alignment of 0.95 or more as required by Applicant's Claim 18.

The Examiner is reminded that prior art rejections must be based on evidence. *Graham v. John Deere Co.*, 383 U.S. 117 (1966). The Examiner is hereby requested to cite a prior art reference in support of his position that it was well known at the time of Applicants' invention that hydrogen bonding and electrostatic interactions would necessarily result in the hyperbranched macromolecules being uniaxially aligned with a degree of alignment of 0.95 or more. If the rejection is based on facts within the personal knowledge of the Examiner, the data should be supported as specifically as possible and the rejection must be supported by an affidavit from the Examiner, which

would be subject to contradiction or explanation by affidavit of Applicants or other persons. See 37 C.F.R. § 1.104(d)(2).

Thus, Applicant respectfully submits that Jang et al. fails to teach or suggest the feature of “hyperbranched macromolecules uniaxially aligned with a degree of alignment of 0.95 or more” as recited in Claim 18.

Further, as argued above, Applicant respectfully submits that Swager et al. fails to teach or suggest the feature of “hyperbranched macromolecules ... emits polarized light” as recited in Claim 18. Applicant respectfully submits that Jang et al. also fails to establish that the hyperbranched monomer of Example 4 of Swager et al. is light emitting.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Swager et al. in view of Jang et al.

Accordingly, Applicant respectfully submits that the prior art of record, applied alone or in combination, fails to teach or suggest the unique combination and arrangement of elements recited in Claims 18, 24, 29, 30, and 35 of the present application. Claims 19-23, 25-28, 31-34, and 36-38 depend upon Claims 18, 24, 30, and 35 and are therefore allowable for at least the reasons that Claims 18, 24, 30, and 35 are allowable.

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

To the extent necessary, Applicant petitions the Commissioner for a ONE-month extension of time, extending to September 18, 2007, the period for response to the Office Action dated May 18, 2007.

Application No. 10/500,653
November 6, 2007
Reply to the Office Action dated May 18, 2007
Page 11 of 11

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

Dated: November 6, 2007

/Peter Medley #56,125/
Attorneys for Applicant

KEATING & BENNETT, LLP
8180 Greensboro Drive, Suite 850
Tyson's Corner, VA 22102
Telephone: (703) 637-1480
Facsimile: (703) 637-1499

Joseph R. Keating
Registration No. 37,368

Peter Medley
Registration No. 56,125